

PATENT COOPERATION TREATY

PCT

REC'D 01 MAR 2006


WIPO

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P04001		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/NO2005/000017		International filing date (day/month/year) 13.01.2005	Priority date (day/month/year) 14.01.2004	
International Patent Classification (IPC) or national classification and IPC C01B33/187				
Applicant COD TECHNOLOGIES A.S. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 12.07.2005		Date of completion of this report 28.02.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Grundke, H Telephone No. +49 89 2399-8564		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NO2005/000017

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-15 as originally filed

Claims, Numbers

1-26 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NO2005/000017

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-18
	No: Claims	19-26
Inventive step (IS)	Yes: Claims	
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NO2005/000017

Item V:

Reference is made to the following document/s/:

D1: US-A-5780005

D2: US 2003/0066459

The claims, in particular claim 1, but also other claims, e.g. 2, 4, 8 are not clear in their precise meaning due to the extremely frequent use of the words "preferably", "optionally"; further unclarities arise due to the unclear wording "or other suitable aluminate(s) (e.g. claims 2, 14), "may be", "might" (claim 17), "according to product requirements" (claim 1), "until sufficient amount is obtained" (claim 7), "until suitably pure" (claim 7); claims 25 and 26 do not refer to any preceding claim at all. In line 22 of claim 1 the meaning of "dispersion of silica slurry" is completely obscure (a slurry is already dispersed); in line 8 of claim 1, if "preferably mixing..." does not occur, it is unclear what happens then. In this situation it is completely vague which process steps are essential and under which precise conditions, and which are only optional or preferable.

Therefore a detailed comparison with the art at present is not meaningful.

As far as understandable, the documents D1 and D2 cited appear to be relevant for the process, and the product and applications. It is unclear in which precise product parameters the claimed product in claims 19-23 departs over known SiO₂ products, in particular those made from olivine. It is assumed that also in the known processes of D1 or D2 the object mentioned at page 3, ll. 9-13 of the application is solved. If not, the applicant will have to make it clear due to which precise difference in the process, which problem is solved which has not already ex- or implicitly been solved in the art.

Moreover, only if the product claimed convincingly could be shown to depart over known SiO₂, then special applications could be claimed, since in principle the mentioned applications (uses) in claims 24-26 are standard uses for SiO₂.